Amendments to the Claims

1.   (previously presented) A network device, comprising:

an input port to receive input data, wherein the input data comprises both real-time data and non real-time data;

a transmission port to transmit the input data at a transmission rate, wherein the transmission rate is a variable between a committed information rate and an excess information rate that is higher than the committed information rate;

a detector to detect real-time input data;

a controller to set a maximum transmission rate for the input data including the non real-time data equal to the committed information rate when the detector detects real-time input data.

2.   (original) The network device of claim 1, wherein the network device includes a timer to track occurrences of real-time input data.

3.   (previously presented) The network device of claim 2, wherein the controller increases the maximum transmission rate above the committed information rate when the timer expires.

4.   (canceled)

5.   (original) The network device of claim 1, wherein the real-time input data is voice data.

6.   (original) The network device of claim 1, wherein the real-time input data is video data.

7.   (original) The network device of claim 1, wherein the detector detects a characteristic of the input data to identify the input data as real-time input data.

8.   (original) The network device of claim 1, wherein the detector detects real-time input data by determining a source address.

9.   (original) The network device of claim 1, wherein the detector detects real-time input data by determining a source port.

10. (currently amended) A network device, transmitting data at a maximum transmission rate which is greater than a committed information rate comprising:

means for detecting real-time ~~traffic~~ data; and

means for reducing the maximum transmission rate to the committed information rate for both real-time data and non real-time data in response to the real-time data.

11. (previously presented) The network device of claim 10, wherein the network device further comprises a means for detecting a cessation of the real-time data and a means for allowing the maximum transmission rate to exceed the committed information rate.

12. (original) The network device of claim 10, wherein the means for detecting further comprises a detector module.

13. (original) The network device of claim 10, wherein the means for reducing a maximum transmission rate further comprises a controller.

14. (original) The network device of claim 10, wherein the means for detecting and the means for reducing a maximum transmission rate are included in one component.

15. (previously presented) A method, comprising:

transmitting data at a maximum transmission rate which is greater than a committed information rate;

detecting real-time data in a network device; and

reducing the maximum transmission rate to the committed information rate for both real-time data and non real-time data in response to the real-time data.

16. (previously presented) The method of claim 15, wherein the method further comprises detecting a cessation of the real-time data and allowing the maximum transmission rate to exceed the committed information rate.

17. (previously presented) The method of claim 15, wherein detecting a cessation of the real-time data further comprises monitoring a timer for expiration, wherein the timer is reset upon each occurrence of the real-time data.

18. (previously presented) The method of claim 15, wherein detecting real-time data further comprises examining data as it passes through a network device.

19. (original) The method of claim 18, wherein the data further comprises packets.

20. (previously presented) The method of claim 15, wherein detecting real-time data further comprises monitoring a port electrically coupled to a source of real-time data.

21. (previously presented) The method of claim 15, wherein detecting real-time data further comprises reception of a resource request.

22. (previously presented) An article containing computer readable code that, when executed, causes the computer to:

transmit data at a maximum transmission rate which is greater than a committed information rate;

detect real-time data; and

reduce the maximum transmission rate to the committed information rate for both real-time data and non real-time data in response to the real-time data.

23. (previously presented) The article of claim 22, wherein the code further comprises code that, when executed, causes the computer to:

detect a cessation of the real-time data; and

allow the maximum transmission rate to exceed the committed information rate.

24. (previously presented) The article of claim 22, wherein the code, when executed, causing the computer to detect a cessation of the real-time data further causes the computer to monitor a time for expiration, wherein the time is reset upon each occurrence of the real-time data.

25. (previously presented) A method, the method comprising:

transmitting data at a maximum transmission rate which is greater than a committed information rate;

monitoring a port electrically coupled to a real-time source for data from the source; and

reducing the maximum transmission rate to the committed information rate for both real-time data and non real-time data prior to the real-time data being transmitted from the source.

26. (original) The method of claim 25, wherein the real-time source is a voice source.

27. (original) The method of claim 26, wherein the real-time source is a video source.

28. (original) The method of claim 25, wherein reducing a maximum transmission rate further comprises:

receiving a signal from the real-time source that data from that source is going to be transmitted.

29. (previously presented) The method of claim 25, wherein the method further comprises allowing the maximum transmission rate to exceed the committed information rate upon cessation of the real-time data being transmitted from the source.

30. (original) The method of claim 29, wherein the method further comprises receiving a signal from a source indicating that the real-time source has ceased transmission of the real-time data.

31. (previously presented) A method, comprising:

transmitting data at a maximum transmission rate which is greater than a committed information rate;

receiving a resource reservation request for real-time data to be transmitted along a path in a network; and

reducing the maximum transmission rate to the committed information rate for both real-time data and non real-time data in response to the request.

32.　(previously presented)　The method of claim 31, wherein the method further comprises:

receiving a resource release upon the cessation of the real-time data being transmitted along the path; and

allowing the maximum transmission rate to exceed the committed information rate.

33.　(previously presented)　The method of claim 31, wherein the committed information rate is provided in the resource reservation request.

34.　(previously presented)　The method of claim 31, wherein the committed information rate is predetermined.